

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,)
v.) Criminal No.: 1:09-cr-179
MIRWAIS MOHAMADI,)
Defendant.)

ORDER

Upon consideration of Defendant's Motion to Continue Trial (Dkt. No. 73), for good cause the Motion is DENIED.

The Court is sympathetic to conflicts in the schedules of certain members of the Public Defenders Service; however, this case has been set for trial three times and continued three times.

Defendant was indicted on April 9, 2009, and trial was set for June 29, 2009, with the Public Defenders Service appointed to represent Defendant. Shortly before trial, Defendant retained new counsel, Frank Salvato, who motioned for and was granted a continuance of trial until October 13, 2009 so that he could adequately prepare. On October 5, one week before trial, defense counsel filed a motion to have Defendant examined to determine his competency to stand trial, and also again asked for a continuance of trial. Both motions were granted. After Defendant was found competent to stand trial, with the examining physician disbelieving Defendant's assertion that he was hearing voices, trial was reset for February 16, 2010. On January 11, 2010, Defendant dismissed his retained counsel and asked for reappointment of the Public Defenders Service, after first considering proceeding *pro se*, and that motion was granted.

with the admonition that the trial would not be continued again. It is clear that Defendant is using the replacement of counsel and other means as a method of avoiding having to stand trial, and will do so again if the case is continued to a new date.

The Public Defenders Service has significant knowledge of the discovery produced by the Government over the last year based on their earlier extended representation of Defendant. Two attorneys from the Public Defenders Service have already expended many hours on Defendant's behalf reviewing the evidence and filing more than ten substantive motions prior to being replaced. Moreover, the charges against Defendant, two armed robberies allegedly committed hours apart, and then the obstructions and murder for hire to kill one of the robbery victims, are not particularly complex. There is no demonstrated reason why the Public Defenders Service cannot prepare for trial by February 16, and there is no reason why the evidence in this case cannot be presented to a jury within a week. Therefore, finding no good cause, the Motion to Continue the Trial Date is DENIED.

January 29, 2010
Alexandria, Virginia

/s/ L.O.G.
Liam O'Grady
United States District Judge